

Highland City Planning Commission

July 11, 2006

Present:

Commissioner: Larry Mendenhall

Commissioner: Jennifer Tucker

Commissioner: Roger Dixon

Commissioner: Brent Wallace

Commissioner: Jerry Gorrell

Commissioner: Brian Braithwaite

Councilman: Claudia Stillman

Councilman: Brian Brunson

Councilman: Glen Vawdrey

Councilman: Kathryn Schramm

City Engineer: Matt Shipp

City Planner: Lonnie Crowell

Asstn. Planner: Hannah Thiel

Secretary: JoD'Ann Bates

Excused: Barry Edwards, Mayor Franson, Steven King, Elizabeth Macfarlane.

Meeting convened at 6:08pm

Prayer given by: Claudia Stillman

Visitors: Chris Dalley, David Anderson, Karen Wikstrom, Tom Hulbert, Jerone Gourley, Max Jamison, Lynn Warr, Stephen Love, Ryan Tuttle, Jeff Mugleston , Brian Adams, David Adams, Chip Whitmer, Ron Lewis, Justin Lewis, Amy Nielsen, Pierre Languie.

Item 1: 6:00pm Work Session with City Council on the CR Zone and the Commercial Design Guidelines

Larry Mendenhall gave an overview and some history regarding the corner of SR92 and SR74. Larry inquired if there was further information Lonnie Crowell would like to present.

Lonnie Crowell stated there was additional discussion needed in conjunction with this item which was the topics for the survey of the General Plan.

Brian Brunson stated he had met with the developer proposing this change and had been shown what would encompass the entire corner. It was his understanding that it was to be done a little at a time. Brian would like clarification as to what is being planned for that area.

Jennifer Tucker stated that one of survey issues was affordable housing. She felt that may be a possibility to have some kind of affordable housing between the R-1-40 housing and the newly proposed commercial.

Karen Wikstrom, of Wikstrom Economic and Planning Consultants, is heading up the survey for the General Plan. Karen discussed the questions that might be preferable to be on the survey. Karen suggested that the questions be specific and tied to a decision the Commission and Council would want to make. This survey will be sent out to every household in Highland. After the information is taken from the survey there may be some random surveys done throughout the city.

Discussion ensued as to what City Council and Planning Commission felt would be appropriate for that corner and a possible buffer from the existing residents.

Larry Mendenhall surveyed the Council and Commission members. The general consensus was the Council members and Commissioners are open to the corner of SR92 and SR74 being commercial with some concerns as to the type of large businesses and a proper buffer between the proposal and the existing homes. Larry opened up the discussion to the developers and the audience.

Tom Hulbert a managing partner of the development group for this project stated they view this as an opportunity, having worked with the surrounding properties they look forward to working with the city and the residents to the west. Tom feels the project as it has been conceptually proposed will provide an anchor for Highland. Tom feels this project will help raise up the area along with the Town Center and not compete against it.

Lynn Warr lives in the area and stated his family moved to Highland to get away from commercial. He recognizes there needs to be a balance but is concerned with this project encroaching on the existing residential area. They have lived in this area expecting residential in the future, but are willing to work with the proposal as long as there is a balance.

Larry Mendenhall thanked Mr. Warr for his comments. Larry reviewed some discussion the planning commission previously had regarding having the larger businesses in the rear and smaller businesses in the front.

Discussion ensued.

Larry Mendenhall feels that they have just scratched the surface and suggested

that the commissioners attend the City Council meeting on July 18th in order to participate in the discussion of the survey. Larry closed the work session at 7:07pm.

Planning Commission took a brief recess.

Larry Mendenhall called to order the regularly scheduled Planning Commission meeting at 7:12 pm.

Pledge was given by David Adams, a scout.

Item 2: Highland Hollows Model Home - Conditional Use Permit & Public Hearing

Larry Mendenhall reviewed the proposed Conditional Use Permit application and then turned the time over to the applicant for further information.

Steve Larsen, owner of the Highland Hollow Subdivision stated they would like to use the existing home as a sales office. He continued stating that the hours of operation, the number of employees and the parking would comply with the current city ordinance and proposed this sales office to be a temporary use.

Larry Mendenhall opened the public hearing. Hearing no comments Larry closed the public hearing and brought the item back to the commission for further discussion.

Brent Wallace inquired as to the parking; due to the road along 7200 West it would not be allowable to park on that street. Steve Larsen stated that there would be no more than 3 employees at a time and approximately 10 parking places total, having ample parking off the street.

Jennifer Tucker inquired if this sales office would be solely for the Highland Hollow Subdivision or other subdivisions outside of Highland. Steve Larsen stated that it would only serve the Highland Hollow Subdivision and would only be a sales office until the time that they would be able to build an actual model home in that subdivision.

Larry Mendenhall voiced a concern that a model home is a representation of the homes in the area. He feels that the home being used as a sales office would be more of a commercial space. His concern would be as to the length of time they would allow that to run as a sales office.

Discussion ensued.

Motion by Brian Braithwaite, Planning Commission recommends City Council approve the Conditional Use Permit for the Highland Hollow Model Home subject to the conditions of staff and Planning Commission, to include the home be for the sale of homes and lots within the Highland Hollow subdivision.

Second by Roger Dixon.

Unanimous vote, motion carried.

Item 3: T-Mobile Cell Tower Site - Conditional Use Permit & Public Hearing

Larry Mendenhall reviewed the proposed Conditional Use Permit application. Larry stated that Mr. Gourley is the owner or KEG which is representing T-Mobile and invited Mr. Gourley to address the commission.

Jerome Gourley stated that in the staff report it had recommended the commission deny this application and would like to comment on that report. Jerome handed out an "Outline of talking points for the Planning Commission Meeting." (Attached)

Discussion ensued.

Larry Mendenhall opened the public hearing.

Jeff Mugelston a resident, stated upon the clarification of the location of the proposal he supports the decision to deny this application.

Jeff Devey a resident, inquired if the T-Mobiles research addresses the affects of non ionizing electromagnetic radiation. That kind of radiation has a 2 ½ mile radius and with children ages kindergarten through 12 at that school, the fields are within range of that 2 ½ miles and would make sense to place it further away. This will be a school of 500 plus kids and does not seem like it would be safe from the magnetic radiation. Lonnie Crowell responded that the Federal Government does not allow the commission to use that as a reason to deny the proposal.

Hearing no further comments Larry Mendenhall closed the public hearing and brought the item back to the commission for further discussion.

Brian Braithwaite inquired as to how many residents are using the service and why the coverage chart provided by T-Mobile shows that the pole in Alpine had no coverage next to it. Brian questions the effectiveness of the locations of the poles. Mr. Gourley stated that the map showing the Alpine location had been turned off in order to show the proposed coverage of the Highland site.

Roger Dixon stated Mr. Gourley presented information that this proposal meets the city code and would like to hear the city's side as to why they think it does not meet the city code. Larry Mendenhall stated that there may be some case law that addresses the issues brought up by Mr. Gourley, however, the City Council agreed with staff that there should be a telecommunication committee created, which would include a wireless communications attorney. At this time the committee has not met due to the fact that the city has not been able to contract with a wireless communication attorney that would not have a conflict of interest. Therefore, the committee has not been able to resolve some of the issues that have been raised by Mr. Gourley. Larry continued the commission does not have anything from the city that states they can take any approach until the committee meets. Lonnie Crowell stated he would like the City Attorney to review the information that has been provided. He feels staff has been more than willing to work with the applicant but would prefer the City Attorney have a chance to look at this and make a determination.

Jennifer Tucker commented on the definition of the word "institutional" from the dictionary given by the applicant. She commented that the commission was given information in their packets regarding that definition referred to in the code in section 13-4460B. Jennifer read the code. She feels that the natural of that definition that was provided it didn't specifically branch out as far as the definition given by Mr. Gourley. Jennifer concluded that she feels if it had been meant to include educational areas it would have been specifically spelled it out in the code and feels it was purposely left out. Mr. Gourley disagreed and stated he feels they are on legal ground and has his attorney present that would agree with that definition.

Brent Wallace inquired as to the intent of having the sites be exclusively on city property. Larry Mendenhall responded that he believes one of the reasons would be it gives the city some control over the location of the sites and the other reason would be the city would have some architectural and landscaping control of the towers.

Discussion ensued.

Motion by Brian Braithwaite, based on the finding of fact that the Commission does not have a response from the City Attorney, Planning Commission continue this conditional use permit discussion to next regularly scheduled meeting and request a response from the City Attorney addressing the issues brought up by the applicant.

**Second by Brent Wallace.
Unanimous vote, motion carried.**

Item 4: City Water Rights - Code Amendment & Public Hearing

Larry Mendenhall reviewed the information regarding the proposed code amendment. Larry opened public hearing. Hearing no comments, Larry closed the public hearing and brought the item back to the commission for further discussion.

Discussion ensued.

Lonnie Crowell clarified that the Highland Water Company had previously required 1 acre foot of water per acre for culinary services. Since Highland City has acquired the Highland Water Company, the requirement of the 1 acre foot of water per acre for culinary service needs to be included in the Highland City code.

Matt Shipp commented that this is a house keeping issue; the number amount of water that is required has not changed.

Discussion ensued.

Motion by Jennifer Tucker, Planning Commission recommends City Council approve the City Water Rights code amendment to include section 5-8-112 “Water Rights to be Conveyed to the City” 1(b)(i) as recommended by staff with the addition of the language to read “provide one acre foot per acre of...” in line 2 of paragraph (i).

**Second by Brian Braithwaite.
Unanimous vote, motion carried.**

Item 5: Conditional Use Permit (Residential) - Code Amendment & Public Hearing

Larry Mendenhall reviewed the background to the proposed Conditional Use Code Amendment for the residential area of the city.

Larry Mendenhall suggested the commission accept an assignment to review the provided information and continue this discussion at the next Planning Commission meeting.

Discussion ensued.

Larry Mendenhall opened the public hearing. Hearing none Larry closed the public hearing and brought the item back to the commission for further discussion.

Motion by Brent Wallace, Planning Commission moves to continue the discussion of the Conditional Use Permit for the Residential Code Amendment with emphasis on R-1-20, R-1-40 and Open Space until the next scheduled Planning Commission meeting.

**Second by Jerry Gorrell.
Unanimous vote, motion carried.**

Item 6: Approval of Meeting Minutes for June 27, 2006

Motion by Brian Braithwaite, Planning Commission approves the meeting minutes for June 27, 2006 as amended.

**Second by Brent Wallace.
Unanimous vote, motion carried.**

Meeting adjourned at 9:10 p.m.